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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
MARK ALAN KUCSERA,	)	CASE NO. 11-24765 JPK
	)	Chapter 13
Debtor.	)	

ORDER FOR HEARING

On December 23, 2015, the Chapter 13 Trustee filed a motion to dismiss the above-designated Chapter 13 case due to failure of the debtor to turn over to the Trustee a copy of federal and/or state income tax returns and/or federal and/or state income tax refunds which the Trustee asserts are required to be turned over to him under the provisions of the Chapter 13 plan confirmed in this case. The Court will consider the Trustee's motion not only with respect to dismissal pursuant to 11 U.S.C. § 1307(c), but also – if the Trustee's motion is sustained at the hearing scheduled by this order – with respect to whether a bar to refiling a subsequent case under Title 11 should be imposed pursuant to 11 U.S.C. § 105(a)/11 U.S.C. § 349(a). If the Court determines that the debtor has failed to comply with the legally enforceable obligation imposed upon him to turn over tax returns and/or tax refunds to the Chapter 13 Trustee without justification acceptable to the Court, this case will be dismissed and a bar to refiling a subsequent case under Title 11 of at least 180 days will be imposed.

IT IS ORDERED that a final hearing will be held on **February 8, 2016, at 1:00 P.M.**, with respect to the Trustee's motion to determine whether this case should be dismissed pursuant to the Trustee's motion, and to further determine whether a bar to refiling of a subsequent case under Title 11 should be imposed in conjunction with that dismissal.

IT IS FURTHER ORDERED that the debtor – and if a joint case, at least one of the joint debtors – and the attorney of record for the debtor shall appear before the Court at the scheduled hearing. The appearance of both the debtor and debtor's counsel at the hearing will

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be excused **only if** prior to the date and time of the hearing the debtor has turned over to the Trustee **ALL** tax returns which are the subject of the Trustee's motion **and** have either paid in full the total amount of required refund payments to the Trustee or have entered into an agreed order with the Trustee to pay the required amounts to the Trustee, which agreed order – fully executed by all necessary parties – has been filed in advance of the hearing or will be tendered to the Court at the hearing. If attendance is not excused as stated in the immediately preceding sentence and the debtor does not appear at the hearing, then absent extraordinary circumstances **established at the scheduled hearing, the case will be dismissed and a bar to refiling will be imposed.** If attendance is not excused as provided above, and the counsel for the debtor fails to appear at the scheduled hearing, counsel for the debtor will be required to appear before the Court at a later date to show cause why sanctions should not be imposed upon him for failure to attend the hearing.

Dated at Hammond, Indiana on January 7, 2016.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee  
All Creditors  
All Parties-in-Interest  
Revised 01/29/2008